

AMENDED IN SENATE JUNE 25, 1997
AMENDED IN ASSEMBLY MAY 5, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1480

Introduced by Assembly Member Bordonaro

February 28, 1997

An act to amend Sections ~~22001.5 and 22008~~ 21744, 21745, 22001.5, 22008, 55403, 56109, and 56161 of, and to add ~~Section 22037~~ Sections 22037 and 55462 to, the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 1480, as amended, Bordonaro. Cattle: sale: slaughter.

(1) *Existing law prohibits the release of cattle from a public stockyard, public salesyard, public cattle sales market, or any other public consignment sale or private auction sale unless they are accompanied by a brand inspection certificate or by a bill of sale or certificate of sale that is issued and signed by a representative of the salesyard, as agents for the consignor.*

This bill would require the bill of sale or certificate of sale to be press-numbered.

(2) Existing law prohibits a person from slaughtering any bovine animal unless the person has a slaughterer's license issued by the Bureau of Livestock Identification within the Department of Food and Agriculture. Existing law exempts a mobile slaughter operator who slaughters cattle for the

owner of the cattle on the owner's premises from this licensing requirement.

This bill would, instead, require a mobile slaughter operator to register with the bureau as an unlicensed mobile slaughterer. The bill would authorize the Secretary of Food and Agriculture to cancel the registration of any unlicensed mobile slaughterer for failing to comply with specified record-keeping requirements.

~~(2)~~

(3) Existing law requires every person who is not a licensed slaughterer who slaughters cattle to keep a record of all cattle that he or she slaughters. Existing law prescribes the contents of the record.

This bill would require the record also to include the name and location of the food locker to which the slaughtered animal is, or the slaughtered animals are, delivered for butchering.

~~(3)~~

(4) Existing law provides for the regulation and licensing of brokers, cash buyers, commission merchants, and dealers of farm products by the department. These licenses, among other things, receive farm products on consignment or sell farm products on commission.

This bill would exempt from those provisions any person engaged in the business of buying or selling cattle who is bonded under the federal Packers and Stockyards Act, 1921.

(5) Existing law prescribes criminal penalties for violations of law concerning cattle protection. By creating new crimes, this bill would impose a state-mandated local program.

~~(4)~~

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

1 SECTION 1. *Section 21744 of the Food and*
2 *Agricultural Code is amended to read:*

3 21744. Cattle shall not be released from a public
4 stockyard, public salesyard, public cattle sales market, or
5 any other public consignment sale or private auction sale
6 unless they are accompanied by a brand inspection
7 certificate or by a *press-numbered* bill of sale or a
8 *press-numbered* certificate of sale ~~which that~~ is issued
9 and signed by a representative of the salesyard, as agents
10 for the consignor.

11 SEC. 1.5. *Section 21745 of the Food and Agricultural*
12 *Code is amended to read:*

13 21745. The *press-numbered* bill of sale or
14 *press-numbered* certificate of sale ~~which that~~ is required
15 pursuant to Section 21744 shall contain all of the following
16 information on a form that is approved by the chief:

17 (a) Date of sale.

18 (b) Name and address of the buyer.

19 (c) Description of each animal that is sold ~~which that~~
20 includes its brands and brand location, sex, and breed of
21 unbranded animals.

22 (d) Origin and destination of the animals.

23 (e) The name of the person conducting the sale.

24 The *press-numbered* bill of sale or *press-numbered*
25 certificate of sale shall be kept by the seller for a period
26 of one year after the date of sale. Any such document shall
27 be exhibited on the demand of any peace officer or any
28 agent of the department.

29 SEC. 1.6. *Section 22001.5 of the Food and Agricultural*
30 *Code is amended to read:*

31 22001.5. The Legislature finds and declares that
32 mobile slaughter operators who perform the service of
33 slaughtering cattle for the owner of the cattle on the
34 owner's premises are not licensed slaughterers pursuant
35 to this chapter. However, on and after January 15, 1998,
36 a mobile slaughter operator shall be registered with the
37 bureau as an unlicensed mobile slaughterer pursuant to
38 Section 22037 and is subject to Section 22008.

1 SEC. 2. Section 22008 of the Food and Agricultural
2 Code is amended to read:

3 22008. Every person that is not a licensed slaughterer
4 that slaughters cattle shall do all of the following:

5 (a) Keep a record in a book which he or she keeps for
6 that purpose of all cattle that are slaughtered by him or
7 her. The record shall include the name, address, and
8 telephone number of the person for whom the cattle are
9 slaughtered, a full description of the cattle, including the
10 brands and marks, the date of slaughter, and the name
11 and location of the food locker to which the slaughtered
12 animal is, or the slaughtered animals are, delivered for
13 butchering.

14 (b) Exhibit the record book on demand of any
15 inspector or peace officer.

16 (c) Notify a brand inspector within 24 hours if he
17 slaughters a bovine animal and does not deliver the
18 carcass and hide to a frozen food locker plant licensed
19 pursuant to Chapter 7 (commencing with Section
20 112500) of Part 6 of Division 104 of the Health and Safety
21 Code.

22 SEC. 3. Section 22037 is added to the Food and
23 Agricultural Code, to read:

24 22037. (a) A mobile slaughter operator, as provided
25 in Section 22001.5, shall file a registration with the bureau
26 that shows the names and addresses of the owners of the
27 unlicensed mobile slaughterer and any other information
28 the secretary may require.

29 (b) The registration shall be filed with the bureau
30 before a mobile slaughter operator may slaughter cattle
31 pursuant to Section 22001.5.

32 (c) After notice and hearing, the secretary may cancel
33 the registration of any unlicensed mobile slaughterer for
34 failing to comply with Section 22001.5 or 22008.

35 SEC. 4. *Section 55403 of the Food and Agricultural*
36 *Code is amended to read:*

37 55403. "Farm product" includes every agricultural,
38 horticultural, viticultural, or vegetable product of the soil,
39 honey and beeswax, oilseeds, poultry, poultry product,
40 livestock product, and livestock for immediate slaughter.

1 It does not include timber or any timber product, milk or
2 any milk product, ~~or~~ any aquacultural product, *or cattle*
3 *sold to any person who is bonded under the federal*
4 *Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 181, et*
5 *seq.).*

6 SEC. 5. Section 55462 is added to the Food and
7 Agricultural Code, to read:

8 55462. *For the purposes of trading in cattle, this*
9 *chapter does not apply to or include any person who is*
10 *bonded under the federal Packers and Stockyards Act,*
11 *1921 (7 U.S.C. Sec. 181, et seq.) who is engaged in the*
12 *business of buying or selling cattle.*

13 SEC. 6. Section 56109 of the Food and Agricultural
14 Code is amended to read:

15 56109. "Farm product" includes every agricultural,
16 horticultural, viticultural, and vegetable product of the
17 soil, poultry and poultry products, livestock products and
18 livestock not for immediate slaughter, bees and apiary
19 products, hay, dried beans, honey, and cut flowers. It does
20 not, however, include any timber or timber product,
21 flower or agricultural or vegetable seed not purchased
22 from a producer, any milk product which is subject to the
23 licensing and bonding provisions of Chapter 2
24 (commencing with Section 61801) of Part 3 of Division 21,
25 ~~or~~ any aquacultural product, *or cattle sold to any person*
26 *who is bonded under the federal Packers and Stockyards*
27 *Act, 1921 (7 U.S.C. Sec. 181, et seq.).*

28 SEC. 7. Section 56161 of the Food and Agricultural
29 Code is amended to read:

30 56161. This chapter does not apply to or include any
31 of the following:

32 (a) Any nonprofit cooperative association organized
33 and operating pursuant to Chapter 1 (commencing with
34 Section 54001), any nonprofit cooperative association
35 organized and operating pursuant to any similar law of
36 any other state, the District of Columbia, or the United
37 States, or the agents of these organizations, except as to
38 the activities of these organizations or agents ~~which~~ *that*
39 involve the handling of, or dealing in, any farm product
40 of a nonmember of the organization.

1 (b) Any person or exchange that buys, receives, or
2 otherwise handles any farm product as a processor, as
3 defined in Section 55407.

4 (c) Any retail merchant who has a fixed or established
5 place of business in this state. This exemption does not,
6 however, apply to retail merchants who are also engaged
7 in the business of selling, at wholesale, any farm product
8 purchased from a licensee or producer. ~~Nor does it~~ *The*
9 *exemption does not* apply to any transaction wherein
10 possession of any farm product is obtained from a licensee
11 or producer, and the farm product is sold to another
12 person without being handled in the regular course of a
13 retail business which is conducted at a fixed and
14 established place.

15 (d) Any person who buys any farm product for his or
16 her own use or consumption.

17 (e) Any person licensed as a distributor or handler
18 under Chapter 2 (commencing with Section 61801) of
19 Part 3 of Division 21 who purchases farm products from
20 a dealer, broker, or commission merchant. However, this
21 chapter applies to any such licensed person who
22 purchases farm products from a producer.

23 (f) Any person licensed as a landscape contractor
24 pursuant to Chapter 9 (commencing with Section 7000)
25 of Division 3 of the Business and Professions Code.

26 (g) Any person, not otherwise required to be licensed
27 pursuant to this chapter, ~~that~~ *who* buys or otherwise
28 acquires possession of any farm product from, and
29 processed by, a nonprofit cooperative association to
30 which subdivision (a) is applicable.

31 (h) *For the purposes of trading in cattle, any person*
32 *engaged in the business of buying or selling cattle who is*
33 *bonded under the federal Packers and Stockyards Act,*
34 *1921 (7 U.S.C. Sec. 181, et seq.).*

35 SEC. 8. No reimbursement is required by this act
36 pursuant to Section 6 of Article XIII B of the California
37 Constitution because the only costs that may be incurred
38 by a local agency or school district will be incurred
39 because this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty

1 for a crime or infraction, within the meaning of Section
2 17556 of the Government Code, or changes the definition
3 of a crime within the meaning of Section 6 of Article
4 XIII B of the California Constitution.

5 Notwithstanding Section 17580 of the Government
6 Code, unless otherwise specified, the provisions of this act
7 shall become operative on the same date that the act
8 takes effect pursuant to the California Constitution.

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10 CORRECTIONS

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12 Text — Page 5.

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